



PATENT CASE NO. IN01023K

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of Clifford A. Brass,;  
et al,

Examiner: Janet L. Andres

For Patent For: HCV COMBINATION :  
THERAPY

Group Art No. 1646

Serial No. 09/551,341

Filed: 04/18/2000

#8  
Jg  
5/15/01  
**RECEIVED**

MAY 14 2001

TECH CENTER 1600/2900

Assistant to Commissioner for Patents  
Washington, D.C. 20231

Schering-Plough Corporation  
Kenilworth, New Jersey 07033

**RESPONSE**

SIR:

This is in response to the Official Action dated March 12, 2001.

A Petition and Fee for a One month Extension of Time and on  
Information Disclosure Statement accompany this Response.

**REMARKS**

Applicants are required under 35 U.S.C. §121 to elect a single  
disclosed species of interferon and antioxidant for prosecution on the merits.

Applicants elect interferon- $\alpha$ -2b for the interferon and a combination  
of the antioxidants, Vitamin E and derivatives thereof and Vitamin C.

Applicants are currently pursuing clinical development of the use of  
an interferon  $\alpha$ -2b and ribavirin with the combination of Vitamins E and C  
to treat HCV infections while ameliorating the ribavirin related hemolysis.  
Therefore, Applicants respectfully request that the Examiner reconsider her

request in view of the fact that Applicants will be generating data covering the use of the combination of vitamins C and E as antioxidants. In the alternative, applicants elect only Vitamin E. The claims readable on the either elected vitamin species are claims 1-3, 7-9, 13-17, 20-22, 26 and 30.

Respectfully submitted,

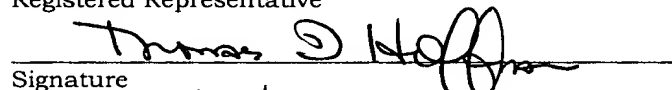


Thomas D. Hoffman  
Attorney of Record for Applicant  
Reg. No. 28221  
(908) 298-5037

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

May 4, 2001  
Date of Deposit

THOMAS D. HOFFMAN  
Registered Representative

  
Signature

05/04/2001  
Date of Signature